

1 the United States or of any state an action based on or including the same claim.
2 Rule 41(a)(1)(ii) thus allows the parties to dismiss an action voluntarily, after service of an
3 answer, by filing a written stipulation to dismiss signed by all of the parties who have appeared,
4 although an oral stipulation in open court will also suffice. Carter v. Beverly Hills Sav. & Loan
5 Asso., 884 F.2d 1186, 1191 (9th Cir. 1989); Eitel v. McCool, 782 F.2d 1470, 1472-73 (9th Cir.
6 1986). Once the stipulation between the parties who have appeared is properly filed or made in
7 open court, no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro.
8 41(a)(1)(ii); Eitel, 782 F.2d at 1473 n.4. Because Plaintiff has filed a stipulation for dismissal as
9 to the Doe Defendants under Rule 41(a)(1)(ii) that is signed by all parties who have made an
10 appearance, this matter has terminated against the Doe Defendants. See Fed. R. Civ. Pro.
11 41(a)(1)(ii); In re Wolf, 842 F.2d at 466; Gardiner, 747 F.2d at 1189; see also Gambale, 377 F.3d
12 at 139; Commercial Space Mgmt, 193 F.3d at 1077; cf. Wilson, 111 F.3d at 692.

13 Therefore, IT IS HEREBY ORDERED that Defendants DOES 1 through 50, inclusive, are
14 DISMISSED from this action in light of the parties' filed and signed Rule 41(a)(1)(ii) stipulation
15 for dismissal.

16
17 IT IS SO ORDERED.

18 **Dated:** August 23, 2006
19 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE